

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

T. BARRY GRAY, individually and as EXECUTOR of the
ESTATE OF THELMA L. GRAY

Plaintiffs,

v.

ANGELA L. MARTINEZ,
individually and in her capacity as Director of Office of Judicial
Support of Delaware County

and

DEBORAH L. GASTON,
individually and in her capacity as former Director of Office of
Judicial Support of Delaware County

and

TCIF REO CIT, LLC

and

SELECT PORTFOLIO SERVICING, INC.,
formerly known as Fairbanks Capital Corporation

and

WACHOVIA BANK NAT'L ASSOC.,
formerly known as First Union National Bank

and

JOSEPH F. MCGINN,
individually and in his capacity as
Sheriff of Delaware County

Defendants,

CIVIL ACTION

NO. 08-2603

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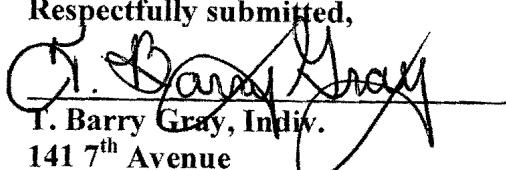
**APPLICATION FOR DEFAULT JUDGMENT
AGAINST DEFENDANT TCIF REO CIT, LLC**

Plaintiff T. Barry Gray, individually, by and through self-representation, hereby applies to the Court for the entry of judgment by default against Defendant TCIF REO CIT, LLC pursuant to Fed. R. Civ. P. 55(b).

As grounds for this application, Plaintiff T. Barry Gray, individually, states as follows:

1. The summons and complaint were properly served upon TCIF REO CIT, LLC on September 14, 2010. A copy of the Return of Service was filed with the Court on October 5, 2010.

2. TCIF REO CIT, LLC has failed to plead or otherwise defend against the allegations set forth in the complaint within the time period prescribed in Fed. R. Civ. P. 12(a).
3. Defendant TCIF REO CIT, LLC is not an infant, incompetent person nor a member of the United States military.
4. Plaintiff T. Barry Gray, individually, has filed his Request for Entry of Default simultaneously with its Application for Default Judgment.
5. Plaintiff T. Barry Gray, individually, anticipates that upon review of his Request for Entry of Default, the Clerk will enter the default of TCIF REO CIT, LLC.
6. Plaintiff T. Barry Gray, individually, seeks a judgment against defendant TCIF REO CIT, LLC, in the amount of \$ 255,000.00 as set forth in the affidavit of T. Barry Gray, individually, appended hereto.
7. T. Barry Gray respectfully requests that the Clerk enter judgment by default against the defendant TCIF REO CIT, LLC in the amount of \$255, 000.00.

Respectfully submitted,
By: 
T. Barry Gray, Indiv.
141 7th Avenue
Folsom, PA 19033
610-757-0039

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JUDGMENT BY DEFAULT

**Defendant TCIF REO CIT, LLC having failed to plead or otherwise defend in this action
and its default having been duly entered by the Clerk of the Court.**

**NOW, upon request of the plaintiff, T. Barry Gray, individually, and upon affidavit that
TCIF REO CIT, LLC has a claim against it as set forth in the Complaint, in the sum of \$255,000.00
and it appearing that defendant TCIF REO CIT, LLC is not an infant or incompetent person, or in
military service of the United States, it is hereby:**

**ORDERED, ADJUDGED AND DECREED THAT JUDGMENT IS ENTERED against
defendant TCIF REO CIT, LLC, in favor of T. Barry Gray, individually, in the amount of
\$255,000.00.**

J.

DATE: _____

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DECLARATION OF T. BARRY GRAY, INDIVIDUALLY

I, T. Barry Gray, pursuant to 28 U.S.C. § 1746 do hereby declare as follows:

1. I am a pro se plaintiff in the above-captioned matter.
2. I caused the summons and complaint in the above-captioned matter to be served upon Defendant TCIF REO CIT, LLC on September 14, 2010. Service is evidenced by the Return of Service that was filed with the Court on October 15, 2010.
3. Pursuant to Fed. R. Civ. P 12(a), TCIF REO CIT, LLC was required to plead or otherwise respond to the complaint by October 5, 2010.
4. TCIF REO CIT, LLC has not responded as required by Fed. R. Civ. P 12(a), and the time for such response has not been extended by the Court.

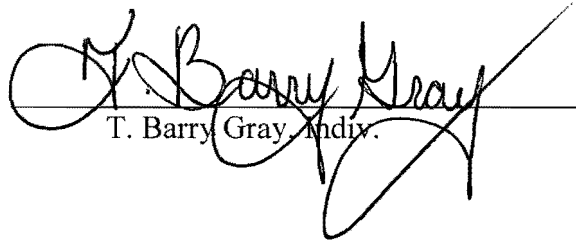
5. To the best of my knowledge, defendant TCIF REO CIT, LLC is not an infant, incompetent person nor a member of the United States military.

6. Plaintiff has filed his Request for Entry of Default simultaneously with its Application for Entry of Default Judgment and this Declaration. Adams anticipates that upon review of its Request for Entry of Default, the Clerk will enter the default of TCIF REO CIT, LLC.

7. As set forth in the complaint, the amount due Plaintiff from TCIF REO CIT, LLC in the amount of \$255,000.00.

Under penalty of perjury I declare that the foregoing is true and correct.

Dated this 24th day of November 2010.


T. Barry Gray, Indiv.

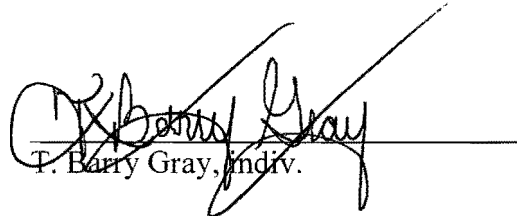
CERTIFICATE OF SERVICE

I, T. Barry Gray hereby certify that on this 24th day of November, 2010 I caused a true and correct copy of the foregoing APPLICATION FOR DEFAULT JUDGMENT AGAINST DEFENDANT TCIF REO CIT, LLC, JUDGMENT BY DEFAULT, and DECLARATION OF T. BARRY GRAY, INDIVIDUALLY, to be served by U.S. mail, postage prepaid, addressed as follows:

TCIF REO CIT, LLC
3815 South West Temple
Salt Lake City, UT 84115

Holsten & Associates
One Olive Street
Media, Pennsylvania 19063
Counsel for Angela L. Martinez, Deborah L. Gaston, and Joseph F. McGinn

Wachovia Bank, National Assoc.
123 South Broad Street
Philadelphia, PA 19109


T. Barry Gray, indiv.